

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

ANGELA H.,¹)
Plaintiff,)
vs.)
COMMISSIONER of SOCIAL SECURITY,)
Defendant.)
CIVIL NO. 3:23-cv-01098-GCS²

MEMORANDUM & ORDER

SISON, Magistrate Judge:

Before the Court is the parties' Joint Motion to Remand to the Commissioner. (Doc. 23). The parties ask that this case be remanded for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). A sentence four remand (as opposed to a sentence six remand) depends upon a finding of error, and is itself a final, appealable order. *See Melkonyan v. Sullivan*, 501 U.S. 89, 98 (1991); *Perlman v. Swiss Bank Corporation Comprehensive Disability Protection Plan*, 195 F.3d 975, 978 (7th Cir. 1999). Upon a sentence four remand, judgment should be entered in favor of plaintiff. *See Shalala v. Schaefer*, 509 U.S. 292, 302-303 (1993).

The parties agree that, upon remand, the ALJ will “evaluate the medical source opinions and Plaintiff’s residual functional capacity, determine whether Plaintiff could

¹ Plaintiff's full name will not be used in this Order due to privacy concerns. *See* FED. R. CIV. PROC. 5.2(c) and the Advisory Committee Notes thereto.

² This case was assigned to the undersigned for final disposition upon consent of the parties pursuant to 28 U.S.C. § 636(c). See (Doc.12).

perform her past relevant work or work that exists in the national economy, provide Plaintiff the opportunity for a new hearing, and issue a new decision."

For good cause shown, the parties' Joint Motion to Remand to the Commissioner (Doc. 23) is **GRANTED**. The final decision of the Commissioner of Social Security denying Plaintiff's application for social security disability benefits is **REVERSED and REMANDED** to the Commissioner for rehearing and reconsideration of the evidence, pursuant to sentence four of 42 U.S.C. § 405(g).

The Clerk of Court is directed to enter judgment in favor of Plaintiff.

IT IS SO ORDERED.

DATED: October 24, 2023.

 Digitally signed by
Judge Sison
Date: 2023.10.24
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GILBERT C. SISON
United States Magistrate Judge